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10/534,485	05/11/2005	Sverre Holm	P18473 USPC	7092
29078	7590	06/18/2007		
CHRISTIAN D. ABEL ONSAGERS AS POSTBOKS 6963 ST. OLAVS PLASS NORWAY, N-0130 NORWAY			EXAMINER PIHULIC, DANIEL T	
			ART UNIT	PAPER NUMBER
			3662	
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			06/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,485

Applicant(s)

HOLM, SVERRE

Examiner

Daniel T. Pihulic

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 19-25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20050707.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2. Claim 17 is objected to because of the following informalities: the term "stationary" appears to be missing before the phrase "slave units (300)". Appropriate correction is required.

3. Claims 5/3 and 6/5/3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5/3 recites the limitation "the identification tag's (100) calculating unit" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6/5/3 is rejected for depending from the aforementioned rejected parent claim.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by US5528232. The US5528232 reference discloses an identification tag (Fig. 1,2: 10; Fig. 4) for use in a location system for determining the identification tag's location (abstract, lines 1-2; column 5, lines 6-7) in (a) room, in a building or areas to be monitored (Fig. 1: 3), wherein the identification tag

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comprises an ultrasonic transducer (Fig. 4: 11) connected to a receiver (Fig. 4: 30) adapted to receive ultrasonic signals (column 8, lines 56-58), and together with a radio transmitter (Fig. 4: 32) connected to an antenna (Fig. 4:12) adapted to transmit radio signals with information (column 7, line 42-43) containing the identity of the identification tag (Table 1: the Tag always returns its Tag-ID and more information if asked for) as recited in claim 1.

With regards to claim 3, see Fig. 4: 33.

With regards to claim 7, see Fig. 4: 31,33; column 11, lines 7-17.

6. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by US6141293. The US6141293 reference discloses an identification tag (Fig. 1: 26) for use in a location system for determining the identification tag's location in an areas to be monitored (column 11, lines 56-58), wherein the identification tag comprises an ultrasonic transducer (Fig. 3: 64) connected to a receiver (Fig. 4: 76) adapted to receive ultrasonic signals (column 7, lines 58-60; column 8, lines 49-53), together with a radio transmitter (Fig. 3: 66) connected to an antenna (Fig. 3: 61) adapted to transmit radio signals with information (Fig. 4: 84; Table 1A) containing the identity of the identification tag (column 14, lines 43-46; since the acknowledgement signal is "unique to the particular transmitting unit", it identifies this unit).

With regards to claim 2, see column 11, lines 58-61 ; column 18, lines 62-64; as long as it is not specified what differentiates the master from the slave unit, any "background unit" can be declared master or slave.

With regards to claim 3, is implicit to the disclosure.

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With regards to claim 4, the analysis is done at the object (column 7, lines 58-60) and comprises the determination of time of flight (column 9, lines 46-47; column 10, lines 4-7).

With regards to claim 7, see Fig. 3: 60; column 12, lines 55-58; while keeping in mind column 7, lines 58-60 and column 8, lines 49-53.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 6 and 8 are rejected under 35 U.S.C. 103 as being unpatentable over US6141293 as applied to claims 1, 3 and 4 above, and in combination with US5245317. The claim 8 additionally recites the utilization of a central processing unit. The US5245317 reference teaches that it was well known in the art to utilize a central processing unit (Fig 1). It would have been obvious to modify the US6141293 reference to utilize a central processing unit as motivated by the US5245317 reference to enable the system to provide an appropriate indication.

With regards to claim 5, it would appear that the time information is transmitted when it is made available.

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With regards to claim 6, the US5245317 reference teaches that it was well known in the art to detect tampering (abstract)

9. Claims 9-18 are rejected under 35 U.S.C. 103 as being unpatentable over US6141293 in combination with US5245317 as applied to claim 8 above, and in further combination with GB2298098. The claims 11, 13 and 16 additionally recites the utilization of synchronization. The GB2298098 reference teaches that it was well known in the art to utilize synchronization (abstract lines 5-7). It would have been obvious to modify the previous combination of references to utilize synchronization as motivated by the GB2298098 reference to enable the system to provide more accurate time measurements.

With regards to claims 9 and 10, the GB2298098 reference teaches that it was well known in the art to utilize one stationary master (2) and at least three stationary slave (3) units (Fig. 1).

With regards to claims 14, 15, 17 and 18, the selection of wireless or wired connection is well known to take advantage of the characteristics of each such as low installation cost and portability for wireless links and higher quality with less chance of radio interference for wired links.

With regards to claim 12, the US6141293 reference discloses that it was well known in the art to utilize different distinct frequencies for radio links.

10. Claims 19-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Pihulic whose telephone number is

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571-272-6977. The examiner can normally be reached on Monday and Wednesday through Friday from 5:30 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza, can be reached on 571-272-6979.

The fax phone numbers for the organization where this application or proceeding is assigned are: 571-273-8300 for official responses, and

571-273-6977 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the telephone number 800-786-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

**/Daniel Pihulic/
Daniel T. Pihulic
Primary Patent Examiner
T.C. Art Unit 3662**